REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-6 and 8-14 are presently pending in this application, Claims 8 and 14 having been amended by the present amendment.

In the outstanding Office Action, Claims 8 and 14 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite; Claims 1, 2, 6, 8-10, 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Llewellyn (U.S. Patent 4,748,993); and Claims 4, 5, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Llewellyn in view of Keeny et al. (U.S. Patent 6,018,000).

With regard to the rejection under 35 U.S.C. §112, second paragraph, Claims 8 and 14 have been amended to clarify the subject matter recited therein. Thus, Claims 8 and 14 are believed to be in compliance with the requirements of the statute. If, however, the Examiner disagrees with any of the claim amendments above, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually satisfactory claim language.

Before discussing the outstanding art rejections, a brief summary of Claim 1 is believed to be helpful. According to Claim 1 of the present invention, a dish rack for a dishwasher includes a frame, and a coating covering the frame and having a surface roughness of $R_z \geq 5$ μm. By providing such a coating, the dish rack distributes water over the surface of the coating in a film sufficiently thin to evaporate with a small amount of heat.[1]

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[1] Specification, page 3, lines 6-22.

The outstanding Office Action asserts that Llewellyn fails to disclose "a coating covering the frame and having a surface roughness of $R_z \geq 5$ μm," recited in Claim 1 " but "it would have been obvious ... to have fabricated the frame having a coating with a low surface roughness ... through routine experimentation and optimization, to increase the flow of water off of the frame ...." Nevertheless, MPEP requires that "[a] particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation"[2] and that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination."[3] As discussed in the previous response, Applicants have discovered that *by providing a certain micro-roughness on the surface of the coating, water is distributed over the surface of the coating and becomes thin films, not drops, on the surface of the coating, thereby evaporated by a small amount of heat.* On the other hand, Llewellyn only discloses "said rods are formed of elastomeric material encapsulated wire,"[4] and nowhere does Llewellyn disclose or suggest any micro-roughness on the surface of the coating, i.e., the result-effective variable, nor the distribution of water over the surface of the coating such that the water becomes thin films and thus evaporated by a small amount of heat, i.e., the result recognized by Applicants. Therefore, the outstanding obviousness rejection based on Llewellyn lacks not only the motivation or suggestion but also recognition of the result and result-effective variable prescribed by MPEP. It is thus believed that the obviousness rejection based on Llewellyn is a product of an impermissible hindsight

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[2] MPEP 2144.05, citing *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977).

[3] *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

[4] Llewellyn, Claim 10.

guided by Applicants' disclosure. On those bases, Applicants respectfully submit that the structure recited in Claim 1 cannot be held obvious over Llewellyn.

Keeny et al. only disclose mixtures of thermoplastic vinylidene fluoride based resins and polyamide resins to be coated on various wire goods, and nowhere do Keeny et al. teach a coating covering the frame and having a surface roughness of $R_z \geq 5$ μm, as recited in Claim 1. Therefore, the structure recited in Claim 1 is also believed to be distinguishable from Keeny et al.

Because independent Claim 9 includes subject matter substantially similar to what is recited in Claim 1 to the extent discussed above, Claim 9 is also believed to be distinguishable from Llewellyn and Keeny et al.

For the foregoing reasons, Claims 1 and 9 are believed to be allowable. Furthermore, since Claims 2, 4-6, 8 and 10-14 ultimately depend from either Claim 1 or 9, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 2, 4-6, 8 and 10-14 are believed to be allowable as well.

In view of the amendments and discussions presented above, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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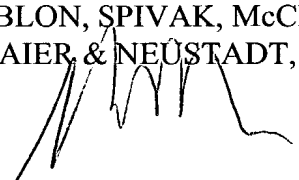

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IN THE CLAIMS

Please amend Claims 8 and 14 as follows:

--8. (Twice Amended) The dish rack according to Claim 1, wherein said coating comprises at least [one of plastic, polyamide and] substantially polyamide.

14. (Amended) In combination, the dishwasher apparatus of Claim 9, wherein said coating comprises at least [one of plastic, polyamide and] substantially polyamide.--